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TITLE 312 NATURAL RESOURCES COMMISSION

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**Proposed Rule**  
LSA Document #20-69

## DIGEST

Adds [312 IAC 9-1-1.2](#) to define "air gun". Adds [312 IAC 9-1-13.2](#) to define "relaxing snare lock". Adds [312 IAC 9-1-13.7](#) to define "snare lock". Amends [312 IAC 9-3-2](#) governing general requirements and licenses for hunting deer. Amends [312 IAC 9-3-3](#) governing air guns for deer hunting. Amends [312 IAC 9-4-2](#) governing youth waterfowl hunting. Amends [312 IAC 9-4-14](#) governing endangered species of birds. Amends [312 IAC 9-5-7](#) governing the sale and transport for sale of native reptiles and amphibians. Amends [312 IAC 9-5-9](#) governing the reptile captive breeder's license. Amends [312 IAC 9-5-11](#) governing the turtle possession permit. Amends [312 IAC 9-10-9.5](#) governing the special purpose educational permit. Amends [312 IAC 9-10-11](#) governing the nuisance wild animal control permit. Amends [312 IAC 9-10-23](#) governing the migratory bird depredation permit. Repeals [312 IAC 9-4-10](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[312 IAC 9-1-1.2](#); [312 IAC 9-1-13.2](#); [312 IAC 9-1-13.7](#); [312 IAC 9-3-2](#); [312 IAC 9-3-3](#); [312 IAC 9-4-2](#); [312 IAC 9-4-10](#); [312 IAC 9-4-14](#); [312 IAC 9-5-7](#); [312 IAC 9-5-9](#); [312 IAC 9-5-11](#); [312 IAC 9-10-9.5](#); [312 IAC 9-10-11](#); [312 IAC 9-10-23](#)

SECTION 1. [312 IAC 9-1-1.2](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 9-1-1.2](#) "Air gun" defined**

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 1.2. "Air gun" means any gun that propels a single projectile by means of non-ignited compressed air or other gas charged by an external high compression power source as follows:

- (1) A .40 caliber or larger bullet or ball at a single discharge that generates at least four hundred (400) foot pounds of muzzle energy.
- (2) An arrow or bolt with a sharpened metal or metal-edged broadhead with metal points with a minimum speed of three hundred (300) feet per second at release.

(Natural Resources Commission; [312 IAC 9-1-1.2](#))

SECTION 2. [312 IAC 9-1-13.2](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 9-1-13.2](#) "Relaxing snare lock" defined**

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 13.2. Effective October 1, 2021, "relaxing snare lock" means a snare lock that allows the snare loop to release constriction pressure on the captured animal when the cable is not taut.

(Natural Resources Commission; [312 IAC 9-1-13.2](#))

SECTION 3. [312 IAC 9-1-13.7](#) IS ADDED TO READ AS FOLLOWS:

**[312 IAC 9-1-13.7](#) "Snare lock" defined**

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22](#)

Sec. 13.7. Effective October 1, 2021, "snare lock" means a device that creates and maintains a snare loop and prevents the loop after closure upon an animal from reopening to a diameter that allows the animal to escape.

(Natural Resources Commission; [312 IAC 9-1-13.7](#))

SECTION 4. [312 IAC 9-3-2](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 9-3-2](#) General requirements and licenses for hunting deer**

**Authority:** [IC 14-10-2-4](#); [IC 14-22-2-6](#)

**Affected:** [IC 14-22](#); [IC 35-47](#)

Sec. 2. (a) This section and sections 3, 4, 8, 9, and 10 of this rule govern the:

- (1) hunting;
- (2) transportation; and
- (3) disposal;

of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from the following:

- (1) This section.
- (2) Sections 3, 4, 8, 9, and 10 of this rule.

An individual who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified in this section are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Except as provided under [IC 14-22-11-1](#) and [IC 14-22-11-11](#), an individual must not hunt deer:

- (1) unless the individual possesses a **valid**, completed, and signed license authorized under this section bearing the individual's name; or
- (2) with a deer license issued to another individual.

(e) A youth hunter may take a deer during the youth deer season established in section 4(b) of this rule only if:

(1) issued a license to hunt deer with:

- (A) a resident youth consolidated hunting, **trapping, and fishing** license under [IC 14-22-11-10\(b\)](#) or [IC 14-22-12-1\(a\)\(24\)](#);
  - (B) a nonresident youth deer firearms license under [IC 14-22-12-1\(a\)\(29\)](#);
  - (C) a nonresident youth deer muzzleloader license under [IC 14-22-12-1\(a\)\(30\)](#);
  - (D) a nonresident youth deer archery license under [IC 14-22-12-1\(a\)\(31\)](#);
  - (E) a nonresident youth extra deer crossbow license under [IC 14-22-12-1\(a\)\(32\)](#);
  - (F) a nonresident youth extra deer license bundle under [IC 14-22-12-1\(a\)\(32\)](#);
  - (G) a nonresident youth extra deer bonus antlerless license under [IC 14-22-12-1\(a\)\(32\)](#);
  - (H) a lifetime comprehensive hunting license under [IC 14-22-12-7\(a\)\(4\)](#) before its repeal;
  - (I) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#) before its repeal; or
  - (J) an apprentice license of the types identified in clauses (A) through (G) under [IC 14-22-12-1.7](#); or
- (2) hunting deer without a license under [IC 14-22-11-1](#) and [312 IAC 9-2-14](#).

(f) An individual may take a deer with a long bow, a recurve bow, or a compound bow during the archery season established in section 4(c) of this rule only if:

(1) issued a license to hunt deer by bow and arrows with:

- (A) a resident deer archery license under [IC 14-22-11-10\(a\)](#) or [IC 14-22-12-1\(a\)\(14\)](#);
- (B) a nonresident deer archery license under [IC 14-22-12-1\(a\)\(17\)](#);
- (C) a resident youth consolidated hunting, **trapping, and fishing** license under [IC 14-22-11-10\(b\)](#) or [IC 14-22-12-1\(a\)\(24\)](#);
- (D) a nonresident youth deer archery license under [IC 14-22-12-1\(a\)\(31\)](#);
- (E) a resident extra deer license bundle under [IC 14-22-12-1\(a\)\(18\)](#);
- (F) a nonresident extra deer license bundle under [IC 14-22-12-1\(a\)\(19\)](#);
- (G) a nonresident youth extra deer license bundle under [IC 14-22-12-1\(a\)\(32\)](#);
- (H) a lifetime comprehensive hunting license under [IC 14-22-12-7\(a\)\(4\)](#) before its repeal;
- (I) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#) before its repeal; or
- (J) an apprentice license of the types identified in clauses (A) through (G) under [IC 14-22-12-1.7](#); or

(2) hunting without a license under [IC 14-22-11-1](#) and [312 IAC 9-2-14](#).

(g) An individual may take a deer with a crossbow during the archery season established in section 4(c) of this rule only if:

(1) issued a license to hunt deer with:

- (A) a resident extra deer crossbow license under [IC 14-22-11-10\(a\)](#) or [IC 14-22-12-1\(a\)\(14\)](#);
- (B) a nonresident extra deer crossbow license under [IC 14-22-12-1\(a\)\(17\)](#);
- (C) a resident youth consolidated hunting, **trapping, and fishing** license under [IC 14-22-11-10\(b\)](#) or [IC 14-22-12-1\(a\)\(24\)](#);
- (D) a nonresident youth extra deer crossbow license under [IC 14-22-12-1\(a\)\(31\)](#);
- (E) a resident extra deer license bundle under [IC 14-22-12-1\(a\)\(18\)](#);
- (F) a nonresident extra deer license bundle under [IC 14-22-12-1\(a\)\(19\)](#);
- (G) a nonresident youth extra deer license bundle under [IC 14-22-12-1\(a\)\(32\)](#);
- (H) a lifetime comprehensive hunting license under [IC 14-22-12-7\(a\)\(4\)](#) before its repeal;
- (I) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#) before its repeal; or
- (J) an apprentice license of the types identified in clauses (A) through (G) under [IC 14-22-12-1.7](#); or

(2) hunting without a license under [IC 14-22-11-1](#) and [312 IAC 9-2-14](#).

(h) An individual may take a deer with a firearm during the firearms season established in section 4(e) of this rule only if:

(1) issued a license to hunt deer by firearms with:

- (A) a resident deer firearms license under [IC 14-22-11-10\(a\)](#) or [IC 14-22-12-1\(a\)\(12\)](#);
- (B) a nonresident deer firearms license under [IC 14-22-12-1\(a\)\(15\)](#);
- (C) a resident youth consolidated hunting, **trapping, and fishing** license under [IC 14-22-11-10\(b\)](#) or [IC 14-22-12-1\(a\)\(24\)](#);
- (D) a nonresident youth deer firearms license under [IC 14-22-12-1\(a\)\(29\)](#);
- (E) a resident extra deer license bundle under [IC 14-22-12-1\(a\)\(18\)](#);
- (F) a nonresident extra deer license bundle under [IC 14-22-12-1\(a\)\(19\)](#);
- (G) a nonresident youth extra deer license bundle under [IC 14-22-12-1\(a\)\(32\)](#);
- (H) a lifetime comprehensive hunting license under [IC 14-22-12-7\(a\)\(4\)](#) before its repeal;
- (I) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#) before its repeal; or
- (J) an apprentice license of the types identified in clauses (A) through (G) under [IC 14-22-12-1.7](#); or

(2) hunting deer without a license under [IC 14-22-11-1](#) and [312 IAC 9-2-14](#).

(i) An individual may take a deer with a muzzleloader during the muzzleloader season established in section 4(f) of this rule only if:

(1) issued a license to hunt deer by a muzzleloader with:

- (A) a resident deer muzzleloader license under [IC 14-22-11-10\(a\)](#) or [IC 14-22-12-1\(a\)\(13\)](#);
- (B) a nonresident deer muzzleloader license under [IC 14-22-12-1\(a\)\(16\)](#);
- (C) a resident youth consolidated hunting, **trapping, and fishing** license under [IC 14-22-11-10\(b\)](#) or [IC 14-22-12-1\(a\)\(24\)](#);
- (D) a nonresident youth deer muzzleloader license under [IC 14-22-12-1\(a\)\(30\)](#);
- (E) a resident extra deer license bundle under [IC 14-22-12-1\(a\)\(18\)](#);
- (F) a nonresident extra deer license bundle under [IC 14-22-12-1\(a\)\(19\)](#);
- (G) a nonresident youth extra deer license bundle under [IC 14-22-12-1\(a\)\(32\)](#);
- (H) a lifetime comprehensive hunting license under [IC 14-22-12-7\(a\)\(4\)](#) before its repeal;
- (I) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#) before its repeal; or
- (J) an apprentice license of the types identified in clauses (A) through (G) under [IC 14-22-12-1.7](#); or

(2) hunting deer without a license under [IC 14-22-11-1](#) and [312 IAC 9-2-14](#).

(j) An individual may take a deer during the deer reduction season established in section 4(d) of this rule only if:

(1) issued a license to hunt deer with:

- (A) a resident extra deer reduction zone license under [IC 14-22-12-1\(a\)\(18\)](#);
- (B) a nonresident extra deer reduction zone license under [IC 14-22-12-1\(a\)\(19\)](#);
- (C) a resident youth consolidated hunting, **trapping, and fishing** license under [IC 14-22-11-10\(b\)](#) or [IC 14-22-12-1\(a\)\(24\)](#);
- (D) a nonresident youth extra deer reduction zone license under [IC 14-22-12-1\(a\)\(32\)](#);
- (E) an apprentice license of the types identified in clauses (A) through (D) under [IC 14-22-12-1.7](#);

- (F) a lifetime comprehensive hunting license under [IC 14-22-12-7\(a\)\(4\)](#) before its repeal; or
- (G) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#) before its repeal; or
- (2) hunting deer without a license under [IC 14-22-11-1](#) and [312 IAC 9-2-14](#).

(k) An individual may take a deer during the special antlerless deer season established in section 4(h) of this rule only if:

- (1) issued a license to hunt deer with:
  - (A) a resident extra deer bonus antlerless license under [IC 14-22-12-1\(a\)\(18\)](#);
  - (B) a nonresident extra deer bonus antlerless license under [IC 14-22-12-1\(a\)\(19\)](#);
  - (C) a resident youth consolidated hunting, **trapping, and fishing** license under [IC 14-22-11-10\(b\)](#) or [IC 14-22-12-1\(a\)\(24\)](#);
  - (D) a nonresident youth extra deer bonus antlerless license under [IC 14-22-12-1\(a\)\(32\)](#);
  - (E) a resident extra deer license bundle under [IC 14-22-12-1\(a\)\(18\)](#);
  - (F) a nonresident extra deer license bundle under [IC 14-22-12-1\(a\)\(19\)](#);
  - (G) a nonresident youth extra deer license bundle under [IC 14-22-12-1\(a\)\(32\)](#);
  - (H) an apprentice license of the types identified in clauses (A) through (G) under [IC 14-22-12-1.7](#);
  - (I) a lifetime comprehensive hunting license under [IC 14-22-12-7\(a\)\(4\)](#) before its repeal; or
  - (J) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#) before its repeal; or
- (2) hunting deer without a license under [IC 14-22-11-1](#) and [312 IAC 9-2-14](#).

(l) An individual may take an antlerless deer in a designated county, by authority of an extra deer bonus antlerless license, only as authorized under section 4(g) and 4(h) of this rule.

(m) An individual must, immediately upon taking a deer, record on a piece of paper the following:

- (1) The name and address of the individual who took the deer.
- (2) The license number (if applicable) of the individual who took the deer.
- (3) The sex of the deer.
- (4) The month and day the deer was taken.

The individual that takes the deer must retain possession of the completed piece of paper until the paper is attached to the deer. The piece of paper must be attached to the deer if the individual who takes the deer does not maintain direct physical control of and constant visual contact with the deer carcass.

(n) An individual who takes a deer must cause delivery of the deer carcass to an official checking station for registration in the name of the individual who took the deer or cause the reporting of the take by providing true and accurate information required on the department's electronic harvest reporting system on the occurrence of the earlier of the following:

- (1) Within forty-eight (48) hours of the taking of the deer.
- (2) Before the deer is removed from this state.

The individual who delivers the deer carcass to an official checking station for registration or reports the take on the department's electronic harvest reporting system must provide true and accurate information that includes the information on the piece of paper described in subsection (m).

(o) The head of a deer must remain attached to the carcass until the deer is registered either at an official checking station or through the department's electronic harvest reporting system.

(p) When a deer is registered:

- (1) at an official deer checking station, the checking station operator must:
  - (A) record the information from the piece of paper described in subsection (m);
  - (B) report the take on the department's electronic harvest reporting system; and
  - (C) give the individual the confirmation number, which must be recorded on the piece of paper described in subsection (m); or
- (2) using the department's electronic harvest reporting system, the individual who took the deer must record the confirmation number on the piece of paper described in subsection (m).

(q) The department's electronic harvest confirmation number must be maintained with a deer until processing of the deer begins.

(r) An individual must not hunt deer except from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(s) An individual must wear hunter orange:

- (1) in a season set forth in section 4(b), 4(e), 4(f), and 4(h) of this rule;
- (2) in that portion of the archery season set forth in section 4(c) of this rule that overlaps a season set forth in section 4(b), 4(e), 4(f), and 4(h) of this rule;
- (3) when firearms are authorized under section 8(b) of this rule;
- (4) in that portion of the deer reduction season set forth in section 4(d) of this rule ~~that overlaps a season and is in a location where hunting is authorized in section 4(b), 4(e), 4(f), and 4(h)~~ **when firearms are authorized under section 3(f)** of this rule; and
- (5) in the special antlerless season in the locations where the season is authorized in section 4(h) of this rule.

(t) An individual must not take more than one (1) antlered deer during the special youth, archery, firearm, and muzzleloader seasons authorized in section 4 of this rule from the first day of the special youth deer season of one (1) calendar year through the last day of the archery season in the following calendar year.

(u) An individual must not hunt deer with the use or aid of:

- (1) bait, which includes:
  - (A) a food that is transported and placed for consumption, including, but not limited to, piles of corn and apples placed in the field;
  - (B) a prepared solid or liquid that is manufactured and intended for consumption by livestock or wild deer, including, but not limited to, commercial baits and food supplements;
  - (C) salt; or
  - (D) mineral supplements;
- (2) snares;
- (3) dogs; or
- (4) other domesticated animals.

The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

(v) An area is considered baited for ten (10) days after the removal of the bait and the baited soil. Hunting an area, such as an orchard, which may be attractive to deer as the result of normal agricultural activity, is not prohibited.

(w) Notwithstanding subsection (u), an individual may use dogs only while on a leash to track or trail wounded deer.

(x) Notwithstanding subsection (u), an individual may use:

- (1) donkeys;
- (2) mules; and
- (3) horses;

for transportation to and from a hunt but not while hunting.

~~(y) An individual must not hunt white-tailed deer possessed under the authority of a game breeder license under [312 IAC 9-10-4](#).~~

~~(z)~~ **(y)** An individual may possess a handgun in accordance with [IC 35-47](#) while hunting deer.

~~(aa)~~ **(z)** "Deer license bundle" means a multiple privilege deer license that replaces a valid deer hunting license and allows an individual to take one (1) antlered deer and two (2) antlerless deer or three (3) antlerless deer in accordance with this section and sections 3 and 4 of this rule in the following seasons combined in one (1) year:

- (1) Special youth.
- (2) Archery.
- (3) Firearms.
- (4) Muzzleloader.

(5) Special antlerless only.

(Natural Resources Commission; [312 IAC 9-3-2](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536; filed May 12, 2006, 10:38 a.m.: 29 IR 3344; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); errata filed Jul 21, 2006, 1:56 p.m.: [20060802-IR-312050214ACA](#); filed Jul 10, 2007, 2:09 p.m.: [20070808-IR-312060572FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Nov 3, 2009, 3:34 p.m.: [20091202-IR-312090044FRA](#); filed Dec 1, 2011, 4:01 p.m.: [20111228-IR-312110101FRA](#); errata filed Jan 10, 2012, 1:19 p.m.: [20120125-IR-312120006ACA](#); filed Jul 9, 2012, 3:00 p.m.: [20120808-IR-312120065FRA](#); filed Dec 18, 2012, 2:00 p.m.: [20130116-IR-312120115FRA](#); filed Sep 13, 2013, 3:02 p.m.: [20131009-IR-312120670FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 15, 2015, 3:43 p.m.: [20150715-IR-312140453FRA](#); readopted filed Sep 18, 2019, 1:16 p.m.: [20191016-IR-312190325RFA](#))

SECTION 5. [312 IAC 9-3-3](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 9-3-3](#) Equipment for deer hunting**

**Authority:** [IC 14-10-2-4](#); [IC 14-22-2-6](#)

**Affected:** [IC 14-22](#); [IC 35-47-1-6](#)

Sec. 3. (a) During the youth special deer season established in section 4(b) of this rule, a youth hunter must hunt deer only with the following equipment:

- (1) A bow and arrow as described in subsection (b)(1) through (b)(5).
- (2) A crossbow as defined in [312 IAC 9-1-5.3](#).
- (3) A shotgun as described in subsection (d)(1).
- (4) A muzzleloading long gun as described in subsection (d)(3).
- (5) A rifle, with the use of cartridges described in subsection (d)(4).
- (6) An air gun as defined in [312 IAC 9-1-1.2](#).**

(b) During the archery season established in section 4(c) of this rule, an individual must hunt deer only with equipment as follows:

- (1) With a long bow, recurve bow, or compound bow that has at least thirty-five (35) pounds pull with a valid license identified at section 2(f) of this rule.
- (2) With a crossbow with a valid license identified at section 2(g) of this rule.
- (3) Arrows or bolts must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
- (4) Poisoned or explosive arrows or bolts are unlawful.
- (5) For long bows, recurve bows, and compound bows, no portion of the bow's riser (handle) or any:
  - (A) track;
  - (B) trough;
  - (C) channel;
  - (D) arrow rest; or
  - (E) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(c) During the firearms season established in section 4(e) of this rule and the special antlerless season established in section 4(h) of this rule, an individual must hunt deer only with any of the following equipment:

- (1) A shotgun.
- (2) A shotgun with rifled barrel.
- (3) A handgun.
- (4) A muzzleloading long gun.
- (5) A muzzleloading handgun.
- (6) A rifle, with the use of cartridges described in subsection (d)(4) only.
- (7) An air gun as defined in [312 IAC 9-1-1.2](#).**

(d) As used in section 2 of this rule, this section, and sections 4 and 8 of this rule, a firearm must meet the following specifications:



- (1) A shotgun must have a gauge 10, 12, 16, 20, 28, or .410 bore loaded with a single projectile.
- (2) A handgun must:
  - (A) conform to the requirements of [IC 35-47-1-6](#);
  - (B) have a barrel at least four (4) inches long;
  - (C) fire a bullet of two hundred forty-three thousandths (.243) inch diameter or larger; and
  - (D) not be a rifle that has a barrel less than eighteen (18) inches.

The handgun cartridge case, without bullet, must be at least one and sixteen-hundredths (1.16) inches long. Full metal jacketed bullets are unlawful. All 25/20, 32/20, 30 carbine, and 38 special ammunition is prohibited.

- (3) A muzzleloading long gun must be .44 caliber or larger, loaded with a bullet at least three hundred fifty-seven thousandths (.357) inch or larger. A muzzleloading handgun must be single shot, .50 caliber or larger, loaded with bullets at least .44 caliber and have a barrel at least twelve (12) inches long. The length of a muzzleloading handgun barrel is determined by measuring from the base of the breech plug, excluding tangs and other projections, to the end of the barrel, including the muzzle crown. A muzzleloading gun must be capable of being loaded only from the muzzle, including both powder and bullet.

- (4) A rifle must fire a cartridge that meets the following specifications:

- (A) Fire a bullet of three hundred fifty-seven thousandths (.357) of an inch diameter or larger.
- (B) Have a minimum case length of one and sixteen-hundredths (1.16) inches.
- (C) Have a maximum case length of one and eight-tenths (1.8) inches.

Full metal jacketed bullets are unlawful.

- (e) During the muzzleloader season established in section 4(f) of this rule, an individual must hunt deer only with a:

- (1) muzzleloading long gun as described in subsection (d)(3); or
- (2) muzzleloading handgun as described in subsection (d)(3).

- (f) During the deer reduction season established in section 4(d) of this rule, an individual may hunt deer with bows and arrows described in subsection (b) from September 15 through January 31 of the following year, or with firearms described in subsections (c) and (d) from the first Saturday after November 11 through January 31 of the following year.

- (g) An individual must not erect, place, or hunt from a permanent tree or ground blind on state owned lands. A tree or ground blind placed on:

- (1) a DNR property as defined at [312 IAC 8-1.5-6](#);
- (2) U.S. Forest Service lands; or
- (3) any national wildlife refuge;

must be portable and may be left overnight only between noon on September 15 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half (1/2) inch is prohibited. Each tree or ground blind must be legibly marked with the name, address, and telephone number of the owner of the blind in the English language or the individual's customer identification number issued by the department.

- (h) An individual must not use infrared sensors to locate or take deer. An individual must not hunt or retrieve deer with the aid of an infrared detector.

- (i) An individual must not possess or use an electronic deer call while hunting deer.

*(Natural Resources Commission; [312 IAC 9-3-3](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2703; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1530; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 538; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Jun 29, 2007, 2:30 p.m.: [20070725-IR-312060272FRA](#); filed Sep 6, 2007, 12:20 p.m.: [20071003-IR-312070023FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Nov 3, 2009, 3:34 p.m.: [20091202-IR-312090044FRA](#); filed Dec 1, 2011, 4:01 p.m.: [20111228-IR-312110101FRA](#); filed Sep 13, 2013, 3:02 p.m.: [20131009-IR-312120670FRA](#); errata filed Dec 6, 2013, 11:12 a.m.: [20140101-IR-312130537ACA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 15, 2015, 3:43 p.m.: [20150715-IR-312140453FRA](#); readopted filed Sep 18, 2019, 1:16 p.m.: [20191016-IR-312190325RFA](#))*

SECTION 6. [312 IAC 9-4-2](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 9-4-2](#) General requirements for migratory birds and waterfowl**

**Authority:** [IC 14-10-2-4](#); [IC 14-22-2-6](#)

**Affected:** [IC 14-22](#); [IC 35-47-2](#)

Sec. 2. (a) The restrictions in this rule supplement state statutes and federal laws that protect migratory birds and waterfowl.

(b) The:

- (1) annual seasons;
- (2) bag limits;
- (3) hunting restrictions; and
- (4) shooting hours;

for migratory birds and waterfowl are as determined under 50 CFR 20.

(c) An individual must not hunt:

- (1) ducks;
- (2) geese;
- (3) mourning doves;
- (4) woodcock;
- (5) coots;
- (6) snipe;
- (7) rails; or
- (8) gallinules;

unless the individual is registered with and possesses an identification number issued through the Harvest Information Program.

(d) Notwithstanding subsection (c), a resident youth hunter participating in a free hunting day for youth hunters as designated by the director is exempt from:

- (1) registration with; and
  - (2) possession of an identification number issued through;
- the Harvest Information Program.

(e) For purposes of youth free hunting days under [IC 14-22-11-18](#), a youth hunter means an individual who is less than eighteen (18) years of age on the date of the hunt. For purposes of the youth waterfowl season as established in 50 CFR 20.105, the age of a youth hunter is determined under 50 CFR 20.105.

(f) An individual must not take a migratory bird listed as an endangered species in this rule unless the individual possesses a scientific purposes license under [312 IAC 9-10-6](#).

(g) An individual must not hunt American woodcock (*Scolopax minor*) unless that person wears hunter orange.

(h) An individual must not hunt waterfowl while possessing shot, other than steel shot or another nontoxic shot.

(i) An individual must not construct a hunting blind on the water of the state unless the name and address of the individual who constructs the blind is legibly indicated on the blind.

(j) An individual who constructs a hunting blind must cause the removal of the blind from the water of the state from April 1 through August 15.

(k) An individual must not:

- (1) construct or place a permanent blind; or
  - (2) leave a portable blind overnight;
- on property owned or leased by the department.



(l) In order to hunt waterfowl, an individual must satisfy all of the following requirements:

(1) Possess one (1) of the following valid Indiana hunting licenses or be exempt from needing a license as authorized in [IC 14-22-11-1](#):

(A) A resident yearly hunting license under [IC 14-22-12-1\(a\)\(2\)](#).

(B) A resident yearly hunting and fishing license under [IC 14-22-12-1\(a\)\(3\)](#).

(C) A nonresident yearly hunting license under [IC 14-22-12-1\(a\)\(6\)](#).

(D) A nonresident five-day hunting license under [IC 14-22-12-1\(a\)\(10\)](#).

(E) A nonresident youth yearly hunting license under [IC 14-22-12-1\(a\)\(25\)](#).

(F) A resident youth consolidated hunting, trapping, and fishing license under [IC 14-22-12-1\(a\)\(24\)](#) or [IC 14-22-11-10\(b\)](#).

(G) A disabled American veteran's hunting license under [IC 14-22-12-1.5](#).

(H) An apprentice hunting license of the types identified in clauses (A) through (G) under [IC 14-22-12-1.7](#).

(I) A lifetime basic hunting license under [IC 14-22-12-7\(a\)\(2\)](#) before its repeal.

(J) A lifetime comprehensive hunting license under [IC 14-22-12-7\(a\)\(4\)](#) before its repeal.

(K) A lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#) before its repeal.

(2) Possess a valid Indiana waterfowl stamp privilege issued under [IC 14-22-7-4](#).

(m) An individual must not possess lead shot while hunting mourning doves on a department property.

(n) An individual may take Eurasian collared doves during the season for hunting mourning doves in accordance with 50 CFR 20. The bag limit for mourning doves does not apply to Eurasian collared doves that are taken as long as the head and a feathered wing are attached. The bag limit for mourning doves does include Eurasian collared doves if the head and feathered wing are not attached.

(o) An individual may take a raptor from the wild only with a:

(1) wild animal rehabilitation permit issued under [312 IAC 9-10-9](#);

(2) scientific purposes license issued under [312 IAC 9-10-6](#);

(3) falconry license issued under [312 IAC 9-10-13.1](#); or

(4) migratory bird depredation permit under [IC 14-22-6-3](#).

(p) An individual may take a live migratory bird, other than a raptor, from the wild only:

(1) with a wild animal rehabilitation permit issued under [312 IAC 9-10-9](#);

(2) with a scientific purposes license issued under [312 IAC 9-10-6](#);

(3) with a migratory bird depredation permit under [IC 14-22-6-3](#);

(4) during a hunting season as authorized in this section and 50 CFR 20;

(5) as authorized in section 7.2 of this rule and 50 CFR 21.43 for brown-headed cowbird, common grackle, red-winged blackbird, Brewer's blackbird, or American crow taken in accordance with section 7.2 of this rule and 50 CFR 21.43;

(6) as authorized in subsections (t) and (u) for a Canada goose; or

(7) as authorized by a public use airport under [IC 14-22-11-1\(b\)\(5\)](#).

(q) An individual may possess, breed, and sell raptors with a raptor propagation permit issued by the U.S. Fish and Wildlife Service in accordance with 50 CFR 21.30 without a permit from the department.

(r) A migratory bird that is taken from the wild may be possessed live only with a:

(1) wild animal rehabilitation permit issued under [312 IAC 9-10-9](#);

(2) special purpose educational permit issued under [312 IAC 9-10-9.5](#);

(3) scientific purposes license issued under [312 IAC 9-10-6](#); or

(4) falconry license issued under [312 IAC 9-10-13.1](#).

(s) An individual may possess, breed, and sell captive-bred waterfowl in accordance with 50 CFR 21 without a permit from the department.

(t) An individual may take the nest and eggs of Canada geese between March 1 and June 30 in accordance with 50 CFR 21.50 without a permit from the department.

(u) An individual may take a live Canada goose that is causing damage or threatening to cause damage to property or causing a health or safety threat to persons or domestic animals with a permit from the department.

(v) An individual may take a migratory bird that is causing damage to property or posing a health or safety threat to persons or domestic animals with a migratory bird depredation permit issued under [IC 14-22-6-3](#).

Exempted from this section is a:

- (1) Canada goose, or the nests and eggs thereof, taken in accordance with a hunting season authorized under 50 CFR 20 or subsections (t) and (u);
- (2) migratory bird taken during a hunting season in accordance with this section and 50 CFR 20; or
- (3) brown-headed cowbird, common grackle, red-winged blackbird, Brewer's blackbird, or American crow taken in accordance with section 7.2 of this rule and 50 CFR 21.43.

(w) The nest of a migratory bird may be taken only:

- (1) in accordance with subsection (t) or (v);
- (2) with a special purpose salvage permit under [312 IAC 9-10-13.5](#);
- (3) with a scientific purposes license issued under [312 IAC 9-10-6](#); or
- (4) if unoccupied by a bird or egg and destroyed or relocated.

(x) An individual may capture and humanely remove a trapped live migratory bird that is not an endangered species from the interior of a building or enclosure/structure and release it immediately outside the building or enclosure or give it to an individual with a wild animal rehabilitation permit issued under [312 IAC 9-10-9](#) in accordance with 50 CFR 21.12.

**(y) A youth who hunts waterfowl during the youth waterfowl season authorized under 50 CFR 20 must:**

- (1) possess a valid nonresident youth yearly hunting license under [IC 14-22-12-1\(a\)\(25\)](#);**
- (2) possess a valid resident youth consolidated hunting, trapping, and fishing license under [IC 14-22-12-1\(a\)\(24\)](#) or [IC 14-22-11-10\(b\)](#); or**
- (3) be exempt from needing a license as authorized in [IC 14-22-11-1](#) and [312 IAC 9-2-14](#).**

**(z) A youth who hunts waterfowl during the youth waterfowl season authorized under 50 CFR 20 must be accompanied by an adult of at least eighteen (18) years of age who:**

- (1) does not possess a firearm, crossbow, or bow and arrow while in the field, except for a handgun carried lawfully in accordance with [IC 35-47-2](#);**
- (2) possesses a valid hunting license of any type that is not an apprentice license unless exempt from needing a hunting license under [IC 14-22-11-1](#) and [312 IAC 9-2-14](#);**
- (3) must not accompany more than two (2) youth hunters at any one (1) time; and**
- (4) must be in close proximity and able to communicate with the youth hunter at all times.**

*(Natural Resources Commission; [312 IAC 9-4-2](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2708; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Jun 29, 2007, 2:30 p.m.: [20070725-IR-312060272FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Mar 12, 2010, 1:28 p.m.: [20100407-IR-312090479FRA](#); errata filed Apr 29, 2010, 3:05 p.m.: [20100512-IR-312090479ACA](#); filed Mar 15, 2013, 2:33 p.m.: [20130410-IR-312120403FRA](#); filed Sep 13, 2013, 3:02 p.m.: [20131009-IR-312120670FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#); readopted filed Sep 18, 2019, 1:16 p.m.: [20191016-IR-312190325RFA](#))*

SECTION 7. [312 IAC 9-4-14](#) IS AMENDED TO READ AS FOLLOWS:

#### **[312 IAC 9-4-14](#) Endangered species of birds**

**Authority:** [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-34-17](#)

**Affected:** [IC 14-22-34-12](#)

Sec. 14. The following species of birds are endangered and are subject to the protections provided under [IC 14-22-34-12](#):

- (1) American bittern (*Botaurus lentiginosus*).
- (2) Least bittern (*Ixobrychus exilis*).

- (3) Black-crowned night-heron (*Nycticorax nycticorax*).
- (4) Yellow-crowned night-heron (*Nyctanassa violacea*).
- (5) Trumpeter swan (*Cygnus buccinator*).
- (6) Rufa red knot (*Calidris canutus rufa*).
- (7) Northern harrier (*Circus cyaneus*).
- (8) Black rail (*Laterallus jamaicensis*).
- (9) King rail (*Rallus elegans*).
- (10) Virginia rail (*Rallus limicola*).
- (11) Common moorhen (*Gallinula chloropus*).
- (12) Whooping crane (*Grus americana*).
- (13) Piping plover (*Charadrius melodus*).
- (14) Upland sandpiper (*Bartramia longicauda*).
- (15) Least tern (*Sterna antillarum*).
- (16) Black tern (*Chlidonias niger*).
- (17) Barn owl (*Tyto alba*).
- (18) Short-eared owl (*Asio flammeus*).
- (19) Sedge wren (*Cisothorus platensis*).
- (20) Marsh wren (*Cisothorus palustris*).
- (21) Loggerhead shrike (*Lanius ludovicianus*).
- (22) Cerulean warbler (*Dendroica cerulea*).
- (23) Golden-winged warbler (*Vermivora chrysoptera*).
- (24) Kirtland's warbler (*Dendroica kirtlandii*).
- (25) Henslow's sparrow (*Ammodramus henslowii*).
- (26) Yellow-headed blackbird (*Xanthocephalus xanthocephalus*).
- (27) Ruffed grouse (*Bonasa umbellus*).**

(Natural Resources Commission; [312 IAC 9-4-14](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2712; filed May 28, 1998, 5:14 p.m.: 21 IR 3717; filed Dec 26, 2001, 2:40 p.m.: 25 IR 2535; filed May 16, 2002, 12:25 p.m.: 25 IR 3046; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542; filed Jun 29, 2007, 2:30 p.m.: [20070725-IR-312060272FRA](#); filed Apr 1, 2008, 10:28 a.m.: [20080430-IR-312070735FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Sep 13, 2013, 3:02 p.m.: [20131009-IR-312120670FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#); readopted filed Sep 18, 2019, 1:16 p.m.: [20191016-IR-312190325RFA](#))

SECTION 8. [312 IAC 9-5-7](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 9-5-7](#) Sale and transport for sale of reptiles and amphibians native to Indiana**

**Authority:** [IC 14-10-2-4](#); [IC 14-22](#)

**Affected:** [IC 14-22](#); [IC 20-19-2-8](#)

Sec. 7. (a) This section governs the:

- (1) sale;
- (2) transport for sale; or
- (3) offer for sale;

of any reptile or amphibian native to Indiana regardless of place of origin.

(b) Except as otherwise provided in this section and in section 9 of this rule, an individual must not sell, transport for sale, or offer to sell a reptile or amphibian that is native to Indiana.

(c) As used in this rule, "reptile or amphibian that is native to Indiana" means those reptiles and amphibians with the following scientific names and their first generation hybrids with a species not included in this subsection (the common names are provided for public convenience, but the scientific names control):

- (1) Hellbender (*Cryptobranchus alleganiensis*).
- (2) Common mudpuppy (*Necturus maculosus*).
- (3) Streamside salamander (*Ambystoma barbouri*).
- (4) Jefferson salamander (*Ambystoma jeffersonianum*).
- (5) Blue-spotted salamander (*Ambystoma laterale*).
- (6) Spotted salamander (*Ambystoma maculatum*).

- (7) Marbled salamander (*Ambystoma opacum*).
- (8) Mole salamander (*Ambystoma talpoideum*).
- (9) Small-mouthed salamander (*Ambystoma texanum*).
- (10) Eastern tiger salamander (*Ambystoma tigrinum*).
- (11) Eastern newt (*Notophthalmus viridescens*).
- (12) Green salamander (*Aneides aeneus*).
- (13) Northern dusky salamander (*Desmognathus fuscus*).
- (14) Southern two-lined salamander (*Eurycea cirrigera*).
- (15) Long-tailed salamander (*Eurycea longicauda*).
- (16) Cave salamander (*Eurycea lucifuga*).
- (17) Four-toed salamander (*Hemidactylium scutatum*).
- (18) Northern red-backed salamander (*Plethodon cinereus*).
- (19) Northern zigzag salamander (*Plethodon dorsalis*).
- (20) Northern ravine salamander (*Plethodon electromorphus*).
- (21) Northern slimy salamander (*Plethodon glutinosus*).
- (22) Red salamander (*Pseudotriton ruber*).
- (23) Lesser siren (*Siren intermedia*).
- (24) Eastern spadefoot toad (*Scaphiopus holbrookii*).
- (25) American toad (*Anaxyrus americanus*).
- (26) Fowler's toad (*Anaxyrus fowleri*).
- (27) Northern cricket frog (*Acris crepitans*).
- (28) Cope's gray treefrog (*Hyla chrysoscelis*).
- (29) Green treefrog (*Hyla cinerea*).
- (30) Gray treefrog (*Hyla versicolor*).
- (31) Spring peeper (*Pseudacris crucifer*).
- (32) ~~Southeastern~~ **Boreal** chorus frog (*Pseudacris feriarum*); **maculata**).
- (33) Western chorus frog (*Pseudacris triseriata*).
- (34) Crawfish frog (*Lithobates areolatus*).
- (35) Plains leopard frog (*Lithobates blairi*).
- (36) American bullfrog (*Lithobates catesbeianus*).
- (37) Green frog (*Lithobates clamitans*).
- (38) Northern leopard frog (*Lithobates pipiens*).
- (39) Pickerel frog (*Lithobates palustris*).
- (40) Southern leopard frog (*Lithobates sphenoccephalus*).
- (41) Wood frog (*Lithobates sylvaticus*).
- (42) Eastern snapping turtle (*Chelydra serpentina serpentina*).
- (43) Smooth softshell turtle (*Apalone mutica*).
- (44) Spiny softshell turtle (*Apalone spinifera*).
- (45) Alligator snapping turtle (*Macrochelys temminckii*).
- (46) Eastern mud turtle (*Kinosternon subrubrum*).
- (47) Eastern musk turtle (*Sternotherus odoratus*).
- (48) Midland painted turtle (*Chrysemys picta marginata*).
- (49) Western painted turtle (*Chrysemys picta bellii*).
- (50) Spotted turtle (*Clemmys guttata*).
- (51) Blanding's turtle (*Emydoidea blandingii*).
- (52) Northern map turtle (*Graptemys geographica*).
- (53) False map turtle (*Graptemys pseudogeographica*).
- (54) Ouachita map turtle (*Graptemys ouachitensis*).
- (55) River cooter (*Pseudemys concinna*).
- (56) Eastern box turtle (*Terrapene carolina*).
- (57) Ornate box turtle (*Terrapene ornata*).
- (58) Red-eared slider (*Trachemys scripta elegans*).
- (59) Eastern fence lizard (*Sceloporus undulatus*).
- (60) Slender glass lizard (*Ophisaurus attenuatus*).
- (61) Six-lined racerunner (*Aspidoscelis sexlineata*).
- (62) Common five-lined skink (*Plestiodon fasciatus*).
- (63) Broadhead skink (*Plestiodon laticeps*).
- (64) Little brown skink (*Scincella lateralis*).
- (65) ~~Eastern~~ **Midwestern** wormsnae (*Carphophis amoenus helenae*).
- (66) Scarletsnae (*Cemophora coccinea*).
- (67) ~~North American~~ **Blue** racer (*Coluber constrictor foxii*).

- (68) Kirtland's snake (*Clonophis kirtlandii*).
- (69) **Northern** ring-necked snake (*Diadophis punctatus edwardsii*).
- (70) Gray ratsnake, also known as the black ratsnake (*Pantherophis spiloides*).
- (71) ~~Western~~ **Eastern** foxsnake (*Pantherophis vulpinus*).
- (72) Red-bellied mud snake (*Farancia abacura*).
- (73) Eastern hog-nosed snake (*Heterodon platirhinos*).
- (74) Prairie kingsnake (*Lampropeltis calligaster*). ~~calligaster~~.
- (75) Eastern black kingsnake (*Lampropeltis getula nigra*).
- (76) Eastern milksnake (*Lampropeltis triangulum*). ~~triangulum~~.
- (77) ~~Red milksnake (*Lampropeltis triangulum sispila*)~~ **Midland watersnake (*Nerodia sipedon pleuralis*)**.
- (78) Copper-bellied watersnake (*Nerodia erythrogaster neglecta*).
- (79) Diamond-backed watersnake (*Nerodia rhombifer*).
- (80) Northern watersnake (*Nerodia sipedon sipedon*).
- (81) Rough greensnake (*Opheodrys aestivus*).
- (82) Smooth greensnake (*Opheodrys vernalis*).
- (83) Bullsnae (*Pituophis catenifer sayi*).
- (84) Queensnake (*Regina septemvittata*).
- (85) Dekay's brownsnake (*Storeria dekayi*).
- (86) Red-bellied snake (*Storeria occipitomaculata*).
- (87) Southeastern crowned snake (*Tantilla coronata*).
- (88) Butler's gartersnake (*Thamnophis butleri*).
- (89) Western ribbonsnake (*Thamnophis proximus*).
- (90) Plains gartersnake (*Thamnophis radix*).
- (91) ~~Eastern~~ **Common** ribbonsnake (*Thamnophis sauritus saurita saurita*).
- (92) ~~Common~~ **Eastern** gartersnake (*Thamnophis sirtalis sirtalis*).
- (93) **Western** smooth earthsnake (*Virginia valeriae elegans*).
- (94) Copperhead (*Agkistrodon contortrix*).
- (95) Cottonmouth (*Agkistrodon piscivorus*).
- (96) Timber rattlesnake (*Crotalus horridus*).
- (97) Massasauga (*Sistrurus catenatus*).
- (98) **Southern black racer (*Coluber constrictor priapus*)**.
- (99) **Northern ribbonsnake (*Thamnophis saurita septentrionalis*)**.
- (100) **Chicago gartnersnake (*Thamnophis sirtalis semifasciatus*)**.

(d) As used in this section, "sale" includes any of the following:

- (1) Barter, purchase, trade, or offer to sell, barter, purchase, or trade.
- (2) Serving as part of a meal by a restaurant, a hotel, a boarding house, or the keeper of an eating house. However, a hotel, a boarding house, or the keeper of an eating house may prepare and serve during open season to:

- (A) a guest, patron, or boarder; and
- (B) the family of the guest, patron, or boarder;

a reptile or amphibian legally taken by the guest, patron, or boarder during the open season.

(e) As used in this section, "transport" means:

- (1) to move, carry, or ship by any means; and
- (2) for any common or contract carrier knowingly to move, carry, or receive for shipment;

a wild animal protected by law.

(f) A reptile or amphibian that is not on a state or federal endangered or threatened species list and with a color morphology that is:

- (1) albinistic (an animal lacking brown or black pigment);
- (2) leucistic (a predominately white animal); or
- (3) xanthic (a predominately yellow animal);

is exempted from this section if it was not collected from the wild.

(g) The following are exempted from this section:

- (1) An institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for the exemption, the institution must have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of

Health and Human Services.

(2) A sale made under a reptile captive breeding license governed by section 9 of this rule.

(3) The sale to and purchase of reptiles or amphibians by a:

(A) public school accredited under [IC 20-19-2-8](#); or

(B) nonpublic school ~~recognized under [IC 20-19-2-10](#)~~ and accredited under [IC 20-19-2-8](#).

This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.

(4) The sale and purchase of:

(A) an American bullfrog (*Lithobates catesbeianus*) tadpole; or

(B) a green frog (*Lithobates clamitans*) tadpole;

produced by a resident holder of a hauler and supplier permit or an aquaculture permit if the tadpole is a byproduct of a fish production operation. As used in this subdivision, "tadpole" means the larval life stage of a frog for the period in which the tail portion of the body is at least one (1) inch long.

(h) A person who is transporting native reptiles and amphibians in interstate commerce, to be sold outside Indiana, is exempted from this section.

**(i) A person who possesses or sells a boreal chorus frog that was lawfully acquired by the person does not violate this section if the person does each of the following:**

**(1) Lists the number of boreal chorus frogs in possession on a departmental form by October 1, 2021.**

**(2) Identifies the frog with an individually unique elastomer or another method of permanent marking approved by the director.**

**(3) Manages the frog in a manner that is likely to ensure the safety of the public and the health of the frog.**

*(Natural Resources Commission; [312 IAC 9-5-7](#); filed Jul 9, 1999, 5:55 p.m.: 22 IR 3673; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1535; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543; filed May 25, 2005, 10:15 a.m.: 28 IR 2948; filed Jul 11, 2006, 9:04 a.m.: [20060802-IR-312060009FRA](#); filed Jan 8, 2007, 9:11 a.m.: [20070207-IR-312060193FRA](#); filed Mar 4, 2008, 12:31 p.m.: [20080402-IR-312070486FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Jun 15, 2015, 3:43 p.m.: [20150715-IR-312140453FRA](#); readopted filed Sep 18, 2019, 1:16 p.m.: [20191016-IR-312190325RFA](#))*

SECTION 9. [312 IAC 9-5-9](#) IS AMENDED TO READ AS FOLLOWS:

### **[312 IAC 9-5-9](#) Reptile captive breeding license**

**Authority:** [IC 14-10-2-4](#); [IC 14-22-2-6](#); [IC 14-22-26-3](#); [IC 14-22-34-17](#)

**Affected:** [IC 14-22](#)

Sec. 9. (a) This section:

(1) establishes the reptile captive breeding license; and

(2) sets the requirements for an individual who wishes to apply for and maintain the license.

(b) The application must be made on a department form.

(c) The annual fee for a license under this section is fifteen dollars (\$15).

(d) An application for a license under this section must be made within five (5) days after the applicant took possession of the first reptile described in subsection (e) and taken for captive breeding purposes.

(e) An individual holding a valid reptile captive breeding license may possess, breed, and sell the snakes listed in this section. In the following list, where both scientific names and common names are provided, common names are for public convenience, but the scientific names control:

(1) Gray ratsnake, also known as the black ratsnake (*Pantherophis spiloides*).

(2) ~~Western~~ **Eastern** foxsnake (*Pantherophis vulpinus*).

(3) Eastern hog-nosed snake (*Heterodon platirhinos*).

(4) Prairie kingsnake (*Lampropeltis calligaster*). ~~calligaster~~.



(5) Eastern black kingsnake (*Lampropeltis getula nigra*).

(6) Eastern milksnake (*Lampropeltis triangulum*). ~~triangulum~~.

~~(7) Red milksnake (*Lampropeltis triangulum ssp. sspila*).~~

~~(8)~~ (7) Bullsake (*Pituophis catenifer sayi*).

~~(9)~~ (8) A snake that is not on a state or federal endangered or threatened species list and with a color morphology that is:

(A) albinistic (an animal lacking brown or black pigment);

(B) leucistic (a predominately white animal); or

(C) xanthic (a predominately yellow animal);

if it was not collected from the wild.

(f) Captive breeding stock other than a reptile described in subsection ~~(e)(9)~~ **(e)(8)** must be identified with an individually unique passive integrated transponder (pit tag) **or by scale-clipping each snake in a unique manner**. A transponder must be implanted in each specimen. The type of transponder must be able to be read by an AVID reader. The imbedded transponder's code and other required information concerning the general health and condition of the animal must be:

(1) provided on a departmental form; and

(2) verified by a supervising veterinarian;

within fourteen (14) days after obtaining the animal.

(g) A reptile held under this section must be confined in a cage or other enclosure that makes escape of the animal unlikely. Each animal must be:

(1) provided with ample space; and

(2) kept in a sanitary and humane manner.

Animals and cages must be made available for inspection upon request by a conservation officer.

(h) Each animal possessed under this section must be lawfully acquired. Not more than four (4) animals of each species described in subsection (e) may be collected annually from the wild. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition for animals not taken from the wild shall be presented to a conservation officer upon request. An individual licensed under this section who collects an animal from the wild must document, on a departmental form, when and where the animal was collected. The animal must be fitted with a passive integrated transponder within fourteen (14) days of taking possession.

(i) An individual licensed under this section must not possess an animal larger than the maximum sale length described in this subsection unless the animal is fitted with a transponder as part of the breeding stock of the person. Captive bred offspring may only be sold before an individual attains the following total length:

(1) Fifteen (15) inches for an eastern hog-nosed snake.

(2) Eighteen (18) inches for any of the following:

(A) A gray ratsnake.

(B) ~~A western~~ **An eastern** foxsnake.

(C) An eastern black kingsnake.

(D) A prairie kingsnake.

(E) An eastern milksnake.

~~(F) A red milksnake.~~

(3) Twenty-eight (28) inches for a bullsake.

(j) An individual licensed under this section must maintain accurate records on a calendar year basis on the number and disposition of breeding stock and captive bred young. The records shall include the following:

(1) The species and number of animals captured, received, or sold.

(2) The birth dates of captive born animals.

(3) The complete name and complete address of the person from whom an animal was purchased or to whom an animal was sold.

The records shall be maintained at the place of business of the license holder for at least two (2) years after the end of the license year. Upon request by a conservation officer, the license holder must make the records available for inspection.

(k) An individual licensed under this section must not release to the wild a captive breeder or the offspring of a captive breeder.

(Natural Resources Commission; [312 IAC 9-5-9](#); filed Jul 9, 1999, 5:55 p.m.: 22 IR 3675; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 545; filed May 25, 2005, 10:15 a.m.: 28 IR 2950; filed Jan 8, 2007, 9:11 a.m.: [20070207-IR-312060193FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); errata filed Sep 1, 2010, 11:08 a.m.: [20100915-IR-312100567ACA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); readopted filed Sep 18, 2019, 1:16 p.m.: [20191016-IR-312190325RFA](#))

SECTION 10. [312 IAC 9-5-11](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 9-5-11](#) Turtle possession permit**

**Authority:** [IC 14-10-2-4](#); [IC 14-22](#)

**Affected:** [IC 4-21.5](#)

Sec. 11. (a) Except as provided in subsection (b), this section establishes the requirements that an individual must satisfy to possess a turtle that is listed in section 7(c) of this rule.

(b) Exempted from this section is any species of turtle that is possessed lawfully under section 6 of this rule.

(c) An individual must be an Indiana resident to receive a permit under this section.

(d) An individual must submit, on a departmental form, an application for a permit under this section within ten (10) days after taking possession of a native species of turtle. The application must show the individual lawfully obtained the turtle. For a turtle that was lawfully obtained:

- (1) a receipted invoice;
  - (2) a bill of lading; or
  - (3) other evidence approved by the director;
- must accompany the application.

(e) If supported by appropriate documentation, native species of turtles that were legally obtained may be possessed under this permit.

(f) A conservation officer shall inspect each cage or enclosure before the first permit can be issued to an applicant. A turtle must be:

- (1) quarantined for at least thirty (30) days and display no signs of illness before being placed with other turtles; and
- (2) confined in a cage or other enclosure that:
  - (A) makes escape of the animal unlikely; and
  - (B) prevents the entrance of free-roaming turtles.

The cage or enclosure must provide the turtle with ample space for exercise and to avoid overcrowding. Each turtle shall be handled, housed, and transported in a sanitary and humane manner. Mature male and female turtles of the same species must be caged separately. Upon request by a conservation officer, an applicant must make any cage or enclosure available for inspection.

(g) A turtle possessed under this section:

- (1) must not be:
  - (A) bred;
  - (B) sold;
  - (C) traded;
  - (D) bartered; or
  - (E) released into the wild; and
- (2) may be given only to an individual who possesses a permit under this section.

(h) A turtle with a straight-line carapace length of four (4) inches or greater must be permanently marked with a unique passive integrated transponder (pit tag) implanted under the skin or another permanent unique identifier. Only pit tags that can be read by an AVID Reader may be implanted.

(i) A permit holder must not commercially advertise adoption services, including charging a fee to adopt or re-home a turtle.

(j) A permit holder ~~must not~~ **may** place a turtle on public display. ~~unless the person also possesses an educational permit issued under [312 IAC 9-10-9.5](#).~~

(k) A copy of the records must be kept on the premises of the permit holder for at least two (2) years after the turtle was obtained, and a copy must be provided to a conservation officer upon request. The records shall include the following:

(1) The:

- (A) taxa;
- (B) number;
- (C) carapace length; and
- (D) weight;

of each turtle obtained.

(2) The:

- (A) complete name;
- (B) address; and
- (C) telephone number;

of the person from whom a turtle was obtained.

(3) The date obtained.

(4) The unique passive integrated transponder code of each implanted turtle or identification of the unique permanent identifier for each turtle.

(l) A conservation officer:

(1) may enter the premises of the permit holder at all reasonable hours to inspect:

- (A) those premises;
- (B) any records relative to the permit; and
- (C) any turtle possessed under this permit;

(2) shall immediately notify the permit holder if the inspection reveals a turtle is being kept under unsanitary or inhumane conditions; and

(3) may make a second inspection after ten (10) days to determine if any permit deficiency has been corrected that was reported to the permit holder.

(m) A permit expires on June 30 of the third year following the year in which the permit was issued. A renewal application must be submitted to the department by July 31 of the year the permit expires.

(n) The permit holder must provide an annual report on a completed departmental form to the division by July 15 of each year with the following information:

(1) The taxa and number of each native species of turtle.

(2) The date the turtle was obtained.

(3) The unique passive integrated transponder code of each implanted turtle or another type of unique permanent identification. The permit holder must submit one (1) or more photographs that document the permanent unique identifier with the annual report submitted to the division by July 15 of the year following the date the first permit was issued.

(4) How each turtle was obtained.

(o) A permit may be suspended, denied, or revoked and any turtle confiscated, under [IC 4-21.5](#), if the permit holder fails to comply with any of the following:

(1) A permit issued under this section.

(2) This article.

(3) Another applicable state, local, or federal law.

*(Natural Resources Commission; [312 IAC 9-5-11](#); filed Sep 23, 2004, 3:00 p.m.: 28 IR 546; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Apr 1, 2008, 10:28 a.m.: [20080430-IR-312070735FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Feb 28, 2014, 8:01 a.m.: [20140326-IR-312130024FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); readopted filed Sep 18, 2019, 1:16 p.m.: [20191016-IR-312190325RFA](#))*

SECTION 11. [312 IAC 9-10-9.5](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 9-10-9.5](#) Special purpose educational permit**

**Authority:** [IC 14-22-2-6](#); [IC 14-22-11-12](#)

**Affected:** [IC 4-21-5](#); [IC 14-22](#)

Sec. 9.5. (a) This section governs a special purpose educational permit. The permit is required for a person who conducts an educational display or lecture using a live wild animal that is a mammal, bird, reptile, or amphibian protected under this article. Exempted from this section are reptiles and amphibians, lawfully collected and possessed under [312 IAC 9-5-6](#) or turtles possessed under [312 IAC 9-5-11](#). The permit is available only to a person who is at least one (1) of the following:

- (1) A licensed rehabilitator.
- (2) A licensed falconer.
- (3) A wild animal possession permit holder.
- ~~(4) A special purpose turtle possession permit holder.~~
- ~~(5) (4)~~ An educational institution such as a corporation or organization whose primary function is conservation education.
- ~~(6) (5)~~ A nonprofit organization.
- ~~(7) (6)~~ A person who is employed or sponsored by an educational institution or a nonprofit organization.
- ~~(8) (7)~~ A person with a special purpose possession permit from the United States Fish and Wildlife Service for a nonreleasable migratory bird.

(b) This section does not apply to any zoo, carnival, animal dealer, pet shop, circus, or nature center licensed under 9 CFR, Chapter 1, Subchapter A, Parts I through IV.

(c) An application must be made on a departmental form providing the following:

- (1) Documentation, in the form of a copy of a valid license, permit, receipt, or rehabilitation report showing that the wild animal was lawfully acquired.
- (2) If the animal was obtained under a rehabilitation permit, that the animal is permanently injured and nonreleasable.
- (3) An outline of the educational program that includes an explanation of the legal acquisition of the wild animal. A permit shall not be issued unless the proposed education program meets the following criteria:
  - (A) Promotes the survival and role of wild animals in their natural habitat.
  - (B) Promotes an understanding of the ecological needs of wild populations of the species.
  - (C) Does not promote or encourage opposition to the scientific management of wildlife, including the regulated taking of wild animals in a manner consistent with state or federal law.

(d) A person possessing a wild animal under this section shall handle, house, and transport the wild animal in a manner that:

- (1) is safe;
- (2) is sanitary;
- (3) is humane; and
- (4) prevents the escape of the animal.

~~(e) A person possessing a wild animal under this section that was obtained under a rehabilitation permit must not:~~

- ~~(1) display that wild animal as part of or to promote a commercial venture or in a manner that might cause a member of the public to reasonably confuse the display with a commercial venture; or~~
- ~~(2) use that wild animal for commercial or for profit purposes or to draw attendance to or promote a commercial undertaking or activity, such as a convention, sports show, or similar activity.~~

~~(f)~~ **(e)** A person possessing a wild animal under this section must not place the wild animal in physical contact with the public unless the wild animal is a species of reptile that is neither venomous nor endangered.

~~(g)~~ **(f)** A person shall not possess a migratory bird under this section unless the U.S. Fish and Wildlife Services also issues a special purpose possession permit. If the terms of the federal permit and the permit under this

section differ, the more restrictive terms govern.

~~(h)~~ **(g)** A person possessing a wild animal under this section must not maintain or display a wild animal in a manner that does any of the following:

- (1) Poses a hazard to public safety.
- (2) Poses a hazard to property of a person other than the permit holder.
- (3) Harms the health of the wild animal.
- (4) Violates this article or the permit issued under this section.

~~(i)~~ **(h)** The permit issued under this section must be carried and displayed when conducting any authorized activities.

~~(j)~~ **(i)** A person possessing a valid permit under this section must file an application and annual report by February 1 of each year in order to renew the permit. The annual report must contain the following:

- (1) The numbers and species of wild animals used.
- (2) The location of each program.
- (3) The date of each program.
- (4) The name of the group to whom the program was given.

~~(k)~~ **(j)** A person possessing a permit under this section shall maintain a copy of the records relative to this permit for at least two (2) years after the expiration date of the permit.

~~(l)~~ **(k)** A permit issued under this section may be suspended, denied, or revoked under [IC 4-21.5](#) if the person possessing the permit does any of the following:

- (1) Fails to comply with a provision of a permit issued under this section.
- (2) Possesses the wild animal in a manner that constitutes maltreatment or neglect of the animal.
- (3) Violates any applicable state, local, or federal law.

~~(m)~~ **(l)** A conservation officer may, at any reasonable time, inspect the records and wild animals possessed by a person issued a permit under this section.

*(Natural Resources Commission; [312 IAC 9-10-9.5](#); filed Sep 23, 2004, 3:00 p.m.: 28 IR 551; readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Jul 6, 2010, 1:55 p.m.: [20100804-IR-312090616FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); readopted filed Sep 18, 2019, 1:16 p.m.: [20191016-IR-312190325RFA](#))*

SECTION 12. [312 IAC 9-10-11](#) IS AMENDED TO READ AS FOLLOWS:

**[312 IAC 9-10-11](#) Nuisance wild animal control permit**

**Authority:** [IC 14-10-2-4](#); [IC 14-22-2-6](#)

**Affected:** [IC 14-22](#)

Sec. 11. (a) The director may without fee issue a temporary permit to control a nuisance wild animal that is:

- (1) causing damage or threatening to cause damage to property; or
- (2) posing a health or safety threat to persons or domestic animals.

If it is a black bear, there must be a known (confirmed), immediate safety risk to persons or domestic animals. The method and dates of control and disposition of the animal shall be set forth in the permit.

(b) A live wild animal taken under this section shall not be:

- (1) possessed for more than forty-eight (48) hours;
- (2) sold;
- (3) traded;
- (4) bartered; or
- (5) gifted.

(c) A property owner or lessee may obtain a permit under this section for the control of a nuisance wild animal.

(d) A person who charges a fee or provides a service to the public for nuisance wild animal control services must obtain a permit under this subsection to assist a property owner or lessee with the control of a nuisance wild animal. The following testing requirements apply:

(1) A permit applicant must correctly answer at least eighty percent (80%) of the questions on a written examination of basic knowledge supervised and administered by the division of fish and wildlife.

(2) A permittee who has satisfied subdivision (1) must, within four (4) years of being issued the permit and every four (4) years thereafter, either:

(A) satisfy the same requirements as are set forth in subdivision (1) on another examination; or

(B) complete sixteen (16) hours of continuing education as approved by the division.

(3) A person who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.

**(4) A person who has had a permit under this section for twenty-five (25) years is exempt from the requirements in subdivision (2).**

(e) An application for a nuisance wild animal control permit must be completed on a departmental form and filed with the division of fish and wildlife.

(f) An individual who does not hold a permit under subsection (d) may assist a permittee, but only if the permittee directly supervises or coordinates the activities of the unpermitted person. A copy of the permit must be on the person when conducting any authorized activities.

(g) A captive animal must be properly handled in an expeditious manner to prevent unnecessary physical injury.

(h) The following methods may be used to take a wild animal under this section:

(1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.

(2) Steel and live traps, except as follows:

(A) A foothold trap that possesses saw-toothed or spiked jaws.

(B) A foothold trap that:

(i) has the widest inside jaw spread perpendicular to the trap's baseplate (Figure 1) greater than or equal to five and three-quarters ( $5 \frac{3}{4}$ ) inches and the inside width between the trap's hinge posts (Figure 2) greater than or equal to five and three-quarters ( $5 \frac{3}{4}$ ) inches unless the jaws of the trap have at least a one-eighth ( $\frac{1}{8}$ ) inch offset (Figure 3), the gap of the offset is filled with securely attached rubber pads, or the trap is completely covered by water. The hinge posts must be maintained at a ninety (90) degree angle to the trap's baseplate (Figures 4 and 5); and

(ii) has an inside jaw spread perpendicular to the trap's baseplate greater than six and one-half ( $6 \frac{1}{2}$ ) inches and the inside width between the trap's hinge posts greater than six and one-half ( $6 \frac{1}{2}$ ) inches and set on land.

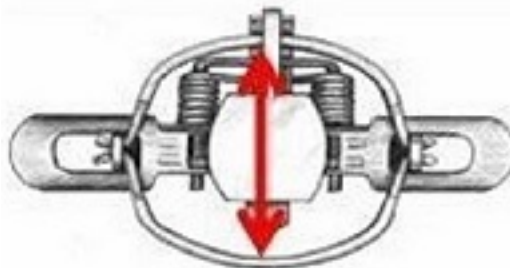


Figure 1  
Widest inside jaw spread  
perpendicular to the trap's  
baseplate



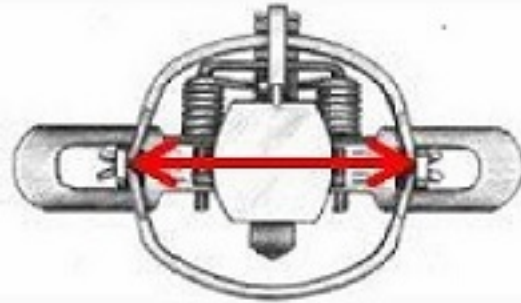


Figure 2  
Inside distance between the  
trap's hinge posts.

### Offset Jaws

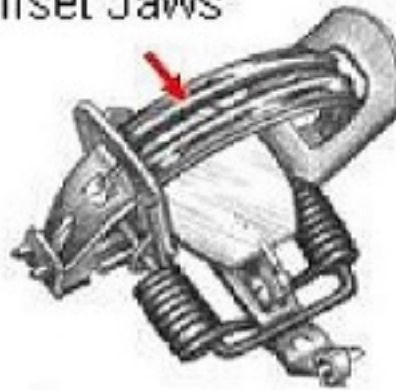


Figure 3

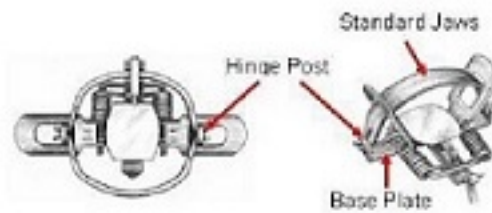


Figure 4

Figure 5

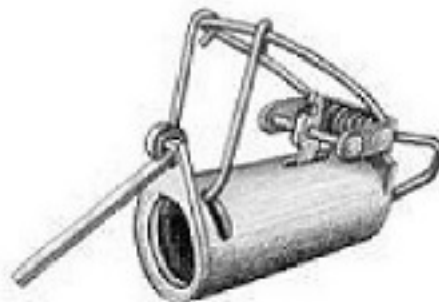


Figure 6

(C) A Conibear™, Dahlgren™, Bigelow™, or similar body-gripping trap that has the widest vertical inside

jaw spread measured at the horizontal center of the trap's jaws and the widest horizontal inside jaw spread measured at the vertical center of the trap's jaws is larger than eight (8) inches unless the trap is completely covered by water.

(D) As used in this subsection, "offset jaws" means the jaws of a leg-hold trap in which the holding area of the jaws is separated by a gap or offset (specified measurement) when the trap is closed (not in the set position). The gap or offset must extend at least eighty percent (80%) of the holding area of the trap's jaws.

(3) Snares with a circumference not greater than fifteen (15) inches unless:

(A) at least fifty percent (50%) of the loop of the snare is covered by water; or

(B) the snare employs a relaxing snare lock (a lock that will allow the snare's loop size to increase once pulling tension is no longer exerted along the snare from its anchored end).

(4) Any other methods specified by the permit.

(i) All traps including snares must be checked at least once every twenty-four (24) hours, and any animal caught in a trap or snare must be removed from that trap or snare within twelve (12) hours from notice to the permit holder of an animal caught in the trap or snare.

(j) The following restrictions apply to the treatment of an animal captured live under this permit:

(1) When on-site release is not the best viable option, the animal must be:

(A) released in the county of capture with prior consent from the landowner or landowner's agent;

(B) euthanized; or

(C) treated as otherwise authorized in the permit.

(2) An animal must be euthanized with the:

(A) safest;

(B) quickest; and

(C) most painless;

available method as recommended and approved by the division of fish and wildlife.

(3) Prior consent is required from the:

(A) landowner; or

(B) landowner's agent;

before an animal is released on any property.

(4) Notwithstanding subdivision (1), an attempt must be made to first capture and relocate an endangered species into the appropriate habitat. If not feasible or possible, then an endangered species may be euthanized only with written authorization by the division of fish and wildlife.

(5) The carcass of a bear taken under this permit must be given to the department within seven (7) business days of taking the bear.

(6) A permit holder must notify the division of fish and wildlife within twenty-four (24) hours of the taking of more than five (5) individual bats from any one (1) site/structure from June 1 through July 31.

(k) A permit expires on December 31 of the year the permit is issued. The permittee must maintain a current record to include the following:

(1) The name and address of the landowner assisted.

(2) The date assistance was provided.

(3) The number and species of animals affected.

(4) The method of disposition.

(5) The name and address of the landowner where each animal was released (if applicable).

A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the transaction and must be presented to a conservation officer upon request.

(l) A permittee must file an application by January 31 of each year in order to renew a permit. The annual report required under subsection (m) must accompany the renewal application.

(m) The permit holder shall provide an annual report to the division by January 31 of each year. The report shall list the following:

(1) The:

(A) number; and

(B) species;

of animals taken.

(2) The county where the animal was captured.

(3) The method of disposition.

(4) The name and address of the landowner, including county, where each animal was released (if applicable).

(n) A permit issued under this section may be suspended or revoked if the permittee does the following:

(1) Fails to comply with any of the following:

(A) [IC 14-22](#).

(B) This article.

(C) A term of the permit.

(2) Provides false information to obtain a permit under this section.

(3) Uses or employs any:

(A) deception;

(B) false pretense; or

(C) false promise;

to cause a consumer to enter into an agreement for the removal of a nuisance wild animal.

(o) No permit shall be issued under this section:

(1) for the control of a migratory bird, except a mute swan; or

(2) if granting the permit would violate a federal law.

(p) Except as authorized in subsection (q), the hide, carcass, or other part or portion of a wild animal taken under this section shall not be:

(1) sold;

(2) traded;

(3) bartered; or

(4) gifted, except if gifted with no compensation of any kind to:

(A) an accredited scientific or educational institution with a special purpose salvage permit issued under section 13.5 of this rule; or

(B) the department;

if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(q) The meat of a wild animal taken under this section may be retained or gifted to another person for personal consumption if tagged with the permit holder's name and address, signature of the person who took the animal, and date the animal was taken.

(r) A permit holder must obtain permission from the landowner or tenant prior to setting a trap, snare, or other device or capturing a wild animal on that landowner or tenant's property.

(s) A conservation officer may inspect the equipment, wild animals, and any records relative to a permit issued under this section at any reasonable hour.

*(Natural Resources Commission; [312 IAC 9-10-11](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2732; filed Oct 28, 2002, 12:03 p.m.: 26 IR 692; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Apr 4, 2008, 2:56 p.m.: [20080430-IR-312070659FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Feb 28, 2014, 8:01 a.m.: [20140326-IR-312130024FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); filed Sep 23, 2015, 9:57 a.m.: [20151021-IR-312140477FRA](#); filed Jun 21, 2018, 1:45 p.m.: [20180718-IR-312170436FRA](#); readopted filed Sep 18, 2019, 1:16 p.m.: [20191016-IR-312190325RFA](#))*

SECTION 13. [312 IAC 9-10-23](#) IS AMENDED TO READ AS FOLLOWS:

### **[312 IAC 9-10-23](#) Migratory bird depredation permit**

**Authority:** [IC 14-10-2-4](#); [IC 14-22-2-6](#)

**Affected:** [IC 14-22](#)

Sec. 23. (a) The director may without fee issue a temporary permit to take a migratory bird that is:

(1) causing damage or threatening to cause damage to property; or

(2) posing a health or safety threat to persons or domestic animals.

The method and dates of control and disposition of the bird shall be set forth in the permit.

(b) Exempted from this section is a migratory bird:

(1) taken during the hunting season in accordance with [312 IAC 9-4-2](#) and 50 CFR 20; ~~or a migratory bird~~

(2) taken without a permit in accordance with [312 IAC 9-4-7.2](#) or [312 IAC 9-3-15](#); or

**(3) that is one (1) of the following, provided it is not an endangered species:**

**(A) Cormorant.**

**(B) Hawk.**

**(C) Heron.**

**(D) Owl.**

**(E) Vulture.**

**(F) Woodpecker.**

**(c) The issuance of a permit under this section does not relieve an individual from any requirement prescribed by federal law.**

~~(e)~~ **(d)** A migratory bird taken under this section shall not be:

(1) possessed for more than forty-eight (48) hours;

(2) sold;

(3) traded;

(4) bartered; or

(5) gifted except as authorized in this section.

~~(d)~~ **(e)** A property owner, lessee, or other person may obtain a permit under this section for the control of a nuisance migratory bird.

~~(e)~~ **(f)** An application for a migratory bird depredation permit must be completed on a departmental form and filed with the division of fish and wildlife.

~~(f)~~ **(g)** An individual who does not hold a permit under this section may assist a permittee, but only if the permittee directly supervises or coordinates the activities of the unpermitted person. Only individuals named on the permit are authorized to act as assistants of the permittee.

~~(g)~~ **(h)** A copy of the permit must be on the individual when conducting any activities authorized under this permit.

~~(h)~~ **(i)** A live migratory bird must be properly handled in an expeditious manner to prevent unnecessary physical injury to the migratory bird.

~~(i)~~ **(j)** Live migratory birds that are taken under this section must be:

(1) released as authorized on the permit;

(2) gifted to a wild animal rehabilitator licensed under section 9 of this rule;

(3) gifted to a falconer licensed under section 13.1 of this rule; or

(4) euthanized in accordance with 50 CFR 21 and the conditions on the permit.

~~(j)~~ **(k)** Carcasses of migratory birds that are euthanized under this permit must be:

(1) buried;

(2) incinerated on private property with prior permission of the landowner;

(3) given to a veterinarian for proper disposal;

(4) given to a landfill for proper disposal;

(5) donated to a properly licensed university or other educational or scientific institution that has a special purpose salvage permit issued under section 13.5 of this rule;

(6) retained or donated for no compensation of any kind; or

(7) as otherwise authorized on the permit.

~~(k)~~ **(l)** The following methods may be used to take a migratory bird under this section:

- (1) Firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws.
- (2) Traps, including bal-chatri and other traps that are specified on the permit.
- (3) Any other methods specified by the permit.

~~(h)~~ **(m)** Traps must be checked at least once every twenty-four (24) hours, and any bird caught in a trap must be removed from that trap within twelve (12) hours from notice to the permit holder of a bird caught in the trap.

~~(m)~~ **(n)** The following restrictions apply to the treatment of a bird captured live under this permit:

- (1) The bird must be:
  - (A) released in the county of capture with prior consent from the landowner or landowner's agent;
  - (B) euthanized; or
  - (C) treated as otherwise authorized in the permit.
- (2) A bird must be euthanized with the:
  - (A) safest;
  - (B) quickest; and
  - (C) most painless;available method as recommended and approved by the division of fish and wildlife.
- (3) Prior consent is required from the:
  - (A) landowner; or
  - (B) landowner's agent;before a bird is captured, killed, or released on any property.

~~(n)~~ **(o)** A permit expires on March 31 of the year following the date of issuance unless otherwise specified on the permit.

~~(o)~~ **(p)** The permit holder must maintain a current record to include the following:

- (1) The name and address of the landowner assisted (if applicable).
- (2) The date the bird was taken.
- (3) The number and species of birds affected.
- (4) The method of disposition.

A copy of the records shall be kept on the premises of the permittee for at least two (2) years after the date the bird was taken and must be presented to a conservation officer upon request.

~~(p)~~ **(q)** The permit holder shall provide an annual report to the division by April 30 of each year following the date of issuance. The report shall list the following:

- (1) The:
  - (A) number; and
  - (B) species;of birds taken.
- (2) The method and location of disposition.

~~(q)~~ **(r)** A permittee must file an application by April 30 of each year in order to renew a permit. The annual report required under subsection ~~(p)~~ **(q)** must accompany the renewal application.

~~(r)~~ **(s)** A permit issued under this section may be suspended or revoked if the permittee does the following:

- (1) Fails to comply with any of the following:
  - (A) [IC 14-22](#).
  - (B) This article.
  - (C) A term of the permit.
- (2) Provides false information to obtain a permit under this section.

~~(s)~~ **(t)** A conservation officer may inspect any equipment, birds, and any records relative to a permit issued under this section at any reasonable hour.

*(Natural Resources Commission; [312 IAC 9-10-23](#); filed Feb 28, 2014, 8:01 a.m.: [20140326-IR-312130024FRA](#); readopted filed May 20, 2014, 9:43 a.m.: [20140618-IR-312140017RFA](#); readopted filed Sep 18, 2019, 1:16 p.m.: [20191016-IR-312190325RFA](#))*

SECTION 14. [312 IAC 9-4-10](#) IS REPEALED.

[Notice of Public Hearing](#)

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